

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN J. AQUINO,
CHAPTER 7 TRUSTEE
By Its Assignee,
Convergent Distributors of Texas, LLC

Plaintiff,

v.

ALEXANDER CAPITAL, LP

&

Its Managing Partners:

JOSEPH AMATO,
ROCCO GUIDICIPIETRO, and
NESA MANAGEMENT, LLC

Defendants

Case #1:21-cv-01355-JSR

**DECLARATION
OF ROCCO GUIDICIPIETRO**

I, Rocco Guidicipietro, make the following statement under the pains and penalties of perjury:

1. I submit this Declaration pursuant to 28 U.S.C. § 1746, in connection with Defendants' Response to Plaintiff's Motion for Summary Judgment and Defendants' Reply in Support of their Motions for Summary Judgment.

2. I have personal knowledge of the facts in this Declaration, am competent to testify to these matters, and, if called to testify as a witness, I would testify under oath to these facts. I declare under penalty of perjury that the foregoing is true and correct.

3. I am currently the Chief Operating Officer ("COO") of Alexander Capital, L.P. and am a 50% owner of NESA Management, LLC.

4. From July 29, 2014 through May 15, 2015 I believed that Alexander Capital, L.P. was licensed to engage in firm commitment underwriting as the lead underwriter of an IPO.

5. Sometime on or after May 15, 2015 I became aware of a letter sent by FINRA to Alexander Capital, L.P. indicating that the firm was not licensed to engage in firm commitment underwriting as the lead underwriter of an IPO.

6. After becoming aware of the letter, and only after becoming aware of the letter, was I personally aware that Alexander Capital, L.P. was not licensed to engage in firm commitment underwriting as the lead underwriter of an IPO.

I so swear and affirm, this 4/1/22 day of April 2022.



Rocco Guidici Pietro